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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BRIAN HOFER, et al,  
Plaintiffs,

v.

KYLE EMLEY, et al.,  
Defendants.

Case No. 3:19-cv-02205-JSC

**STIPULATED MOTION TO EXTEND  
TIME TO RESPOND TO MOTIONS TO  
DISMISS**

Plaintiffs Brian and Jonathan Hofer and Defendants Vigilant Solutions, Inc. and City of San José file this Stipulated Motion to Extend Time to Respond to Motions to Dismiss pursuant to Federal Rule of Civil Procedure 6(b)(1), based upon the following:

Defendants City of San José and Vigilant Solutions, Inc. filed Motions to Dismiss Plaintiffs' Complaint pursuant to Rule 12(b)(6) on July 1, 2019 (Dkts 12 and 13, respectively). Plaintiffs' deadline to respond to those motions is July 15, 2019, under Local Rule 7-3(a). After City of San José and Vigilant Solutions moved to dismiss, Plaintiffs agreed to an extension of time for Defendant Contra Costa County and two of its Defendant deputies to respond to the Complaint until July 15, 2019. Plaintiffs requested, and City of San José and Vigilant Solutions

agreed to, an extension of time to oppose their motions until July 22, 2019, so they may review the Contra Costa County Defendants response to the Complaint and decide whether to amend their pleading pursuant to Rule 15(a)(1)(B).

Accordingly, Plaintiffs Brian and Jonathan Hofer and Defendants Vigilant Solutions, Inc. and City of San José move the Court to approve the following deadlines:

**July 22, 2019:** Plaintiffs' opposition to Vigilant Solutions and City of San José's Motions to Dismiss

**August 2, 2019:** Vigilant Solutions and City of San José's reply to Plaintiffs' opposition

**August 22, 2019 at 9:00 a.m. (Unchanged):** Hearing on Motions to Dismiss

Respectfully submitted,

KATON.LAW

KILPATRICK TOWNSEND & STOCKTON  
LLP

/s/ Glenn Katon  
Glenn Katon

/s/ Holly Gaudreau  
Holly Gaudreau

Counsel for Brian and Jonathan Hofer

Counsel for Vigilant Solutions, Inc.

OFFICE OF THE CITY ATTORNEY | CITY  
OF SAN JOSÉ

/s/ Julia Van Roo  
Julia Van Roo

Counsel for City of San José

### **ORDER**

The Court GRANTS the parties' stipulated motion and ORDERS that the briefing schedule specified above shall govern the Motions to Dismiss filed by Defendants City of San José and Vigilant Solutions, Inc.

IT IS SO ORDERED on July \_\_\_, 2019

\_\_\_\_\_  
HON. JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE